

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LAURA ALLEN, INDIVIDUALLY AND AS)	
ADMINISTRATRIX OF THE ESTATE OF)	
DAN ALLEN, AND AS NEXT FRIEND)	
TAYLOR ALLEN AND DANIELLE ALLEN;)	
AND MARK ALLEN)	
Plaintiffs,)	
) CIVIL ACTION NO. 05-40048-FDS
V.)	
)
MARTIN SURFACING, INC.; MARTIN)	
SURFACING A DIVISION OF SOUTHWEST)	
RECREATION; RONALD RYBA;)	
SOUTHWEST RECREATIONAL)	
INDUSTRIES, INC., d/b/a MARTIN)	
SURFACING; REED J. SEATON; ROBERT)	
N. WOLESENSKY, JR.; DYNAMIC)	
SPORTS CONSTRUCTION, INC.; AND)	
DOES)	
Defendants.)	

**DEFENDANTS ROBERT M. WOLESENSKY, JR.'S AND DYNAMIC
SPORTS CONSTRUCTION, INC.'S SUPPLEMENTAL DISCLOSURES
PURSUANT TO FRCP 26(a)(1) AND LOCAL RULE 26.2**

Defendants Robert M. Wolessensky, Jr. (incorrectly identified as "Robert N. Wolessensky") and Dynamic Sports Construction, Inc. hereby make the following Supplemental Disclosures pursuant to FRCP 26(a)(1) and Local Rule 26.1:

- Local Rule 26.1(b)(2)(a): all persons known to these Defendants who witnessed the transactions or occurrences giving rise to the claims or defenses in this matter or who have substantial discoverable information regarding same:
 - **Marcie Wolinsky-Friedland, M.D.:** Last known address: Americas Medical Center, 31 Baily Avenue, Ridgefield, CT 06877. She is believed

to be an internal medicine practitioner in Ridgefield, Connecticut. Dan Allen was one of her patients. She has information regarding Mr. Allen's cause of death. She believes his death was a result of Multiple Chemical Sensitivity ("MCS"). Several on-line articles quote Dr. Wolinsky-Friedland on this case.

- **Scott M. Merrill:** Scott M. Merrill became director of the physical plant at Holy Cross on November 1, 2002, following the retirement of Gerard A. Zimmermann. Previously, Merrill served as assistant director of the physical plant for twelve years, most recently coordinating the construction of Holy Cross's Smith Hall. It is believed that correspondence from Martin Surfacing was addressed to Mr. Merrill on February 5, 2001. See attached documents. Mr. Merrill resides in Charlton, Massachusetts and can be reached by phone at (508) 793-2438 or by email at smerrill@holycross.edu.
- **Joan Champagne:** Ms. Champagne served as Purchasing Manager for Holy Cross in 1999 through at least 2002. It is believed that Ms. Champagne's signature appears on a Purchase Order for Southwest Recreational Industries on July 25, 2002. See attached document.
- **Leo Fanning:** Mr. Fanning is a former Holy Cross Assistant Coach under Dan Allen who took over the Holy Cross program with Bob Griffin, Holy Cross' Offensive Coordinator, when Dan Allen took a leave of absence.
- **Bob Griffin:** Mr. Griffin is an Assistant Football Coach at Holy Cross. Mr. Griffin is in his sixth season with Holy Cross.

- **Richard Regan:** Mr. Regan currently serves as Athletics Director of Holy Cross. Mr. Regan can be reached by phone at (508) 793-2571 or by email at rregan@holycross.edu.
- **Ronald Ryba:** Mr. Ryba is a former employee of Southwest Recreational Industries, Inc. and, upon information and belief, was the sales representative responsible for the Holy Cross account. The last known location for him is 3001 E. Lincoln Drive West, Marlton, New Jersey, 08053.

Respectfully submitted,
By their attorneys,

/s/ Gareth W. Notis

Lee Stephen MacPhee
Gareth W. Notis
MORRISON MAHONEY, LLP
250 Summer Street
Boston, Massachusetts 02210
(617) 439-7500

/s/ P. Douglas Barr

P. Douglas Barr
Lindsey W. Ingram III
STOLL KEENON OGDEN PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507
(859) 231-3000

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the EFC System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants this _____ day of _____, 2006.

/s/Gareth W. Notis

Gareth W. Notis



COLLEGE OF THE HOLY CROSS

Office of Physical Plant

April 5, 2001

Martin Surfacing
Greentree Executive Campus
301-E Lincoln Drive
Marlton, NJ 08053

Attn: Mr. Ron Ryba

Re: Fieldhouse Floor

Dear Ron:

This is a Letter of Intent to Award Martin Surfacing a contract for the accomplishment of resurfacing that portion of the Fieldhouse floor inside the circumference of the track at the College of the Holy Cross in accordance with your proposal dated February 5, 2001 at a cost of \$53,712. A purchase order will be issued within the next few weeks.

The work will be accomplished between May 21, 2001 and June 8, 2001.

We look forward to working with Martin Surfacing again in resurfacing of the Fieldhouse floor.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard A. Schumemann".
Gerard A. Schumemann
Director of Physical Plant

SMM

Cc: ✓ Scott M. Merrill
Lenny Raymond

APR-14-2004 01:50PM FROM-General Counsel

5007938828

T-206 P.005/008 F-494

Sport Surface



SURFACING

February 5, 2001

Mr. Scott Merrill
Holy Cross University
One College Street
Worcester, MA 01610-2395

Sent via Fax (508) 793-2701

FAXED
2-5-01

RE: Holy Cross Fieldhouse

Dear Scott:

Martin Surfacing, a Division of Southwest Recreation proposes to furnish all labor and materials necessary to install VERSATURF "360" poured-in-place, urethane system in room Fieldhouse of approximately 17,000 square feet with a 1/8" average thickness for the sum of:

\$53,712

**FIFTY-THREE THOUSAND SEVEN HUNDRED TWELVE AND NO/100
DOLLARS**

- All work will be done according to manufacturers specifications.
- Price includes all two-inch game lines and coatings as they now exist; any extraordinary lines, logos or letters are extra, of course.
- Quote is based upon a second quarter of the year 2001. (May 1st to June 15th)
- Exclusions are wall base, inserts, thresholds, bond premium and levelling of slab if necessary.
- Price includes removing and disposing of an average 1/16" of floor and replacing with 1/8" Versaturf "360" surface.
- A complete maintenance program to follow installation of surface.

Scott
Phone Conf
Date -
A.S.A. 1/7
Ron
3-5-01

Thank you again for your interest in Martin Surfacing. Please call if you have any questions.

Best Regards,

Ron Ryba
Senior Account Executive
RRjev

Executive Executive Campus
3001-5 Lincoln Drive West
Milwaukee, WI 53215
414.277.4777
fax 414.277.4775
www.martinsurfacing.com
email: gymfloor@rrjevsurfacing.com

HolyCrossFieldhouse



APR-14-2004 01:51PM FROM-General INTEL

5087033828

T-206 P.008/008 F-494



PURCHASE ORDER

FAXED
7-26-02

College of the Holy Cross
 1 College Street
 (508) 793-2441
 Worcester, MA 01610-2395

PO Number	Date	Revision	Page
0000006596	07/25/2002		1
Pay Terms	Freight Terms	PO Type	Ship Via
Net 27	Destination	GEN	SURFACE
Requester:	JACK MCCANN		
Buyer:	Downey, Glni		

Vendor: 0000006030
 Southwest Recreational Industries, Inc.
 D/B/A Martin Surfacing
 701 Leander Drive
 Leander, TX 78641
 Fax: 410-584-9568

Ship To: Maintenance Bld Serv
 1 College Street
 Worcester, MA 01610-2395

BILL To: Controller's Office
 1 College Street
 Worcester, MA 01610-2395

Tax Exempt? Y Tax Exempt ID: 042103668

Line-Seqd	Description	Quantity	UOM	PO Price	Extended Amt	Due Date
1- 1	Hawk Synthetic Floor Stripper	2.00	EA	90.00	180.00	08/01/2002
2- 1	SynthaSeal Synth. Floor Sealer	10.00	EA	78.00	780.00	08/01/2002

*Added \$103.92 shipping
 Charge to PO 0000006596
 Total PO #1,063.92*

Total PO Amount

Authorized Signature

Purchase Order Number must appear on all invoices, containers, packages and correspondence.